



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: November 10, 2009

SUBJECT: BZA Case No. 17998, 3010 Martin Luther King, Jr. Avenue, SE
(Square 5952, Lot 44)

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

- **An area variance to § 771.2 of Title 11 DCMR**, to increase the maximum Floor Area Ratio (FAR) for nonresidential use from 1.5 to 1.73;
- **An area variance to § 775.5 of Title 11 DCMR**, to reduce the minimum side yard width from six feet to 2 feet, 6 inches; and
- **An area variance to § 2101.1 of Title 11 DCMR**, to reduce the minimum off-street parking requirement from 14 to six.

II. AREA AND SITE DESCRIPTION

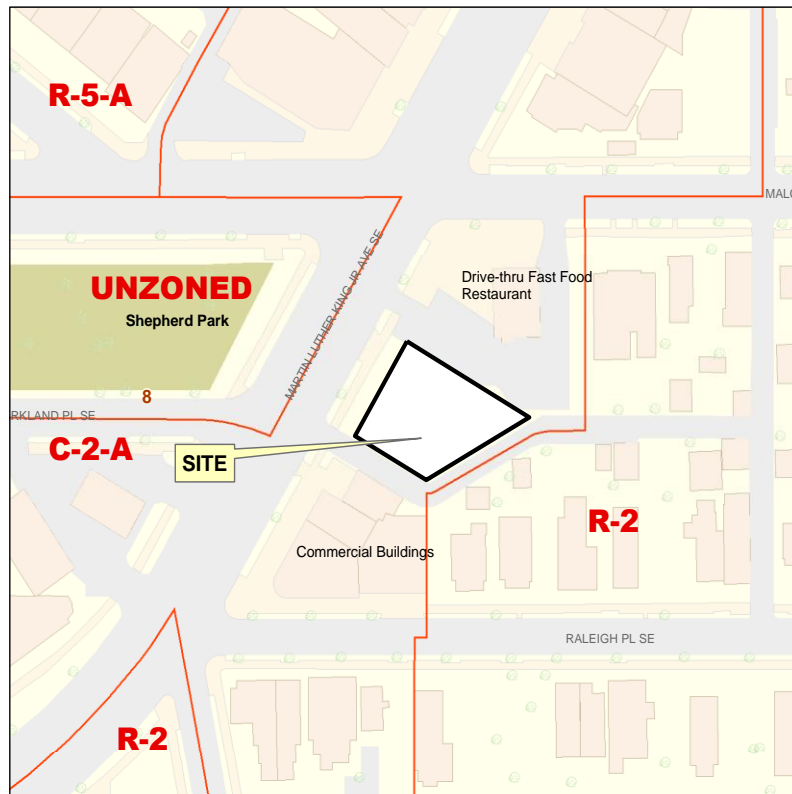
Address	3010 Martin Luther King, Jr. Avenue, SE
Legal Description	Square 5952, Lot 44
Ward	8
Lot Characteristics	Level, five-sided lot with alley access
Existing Development	Vacant two-story structure
Zoning	C-2-A – moderate density community business center
Adjacent Properties	North: Drive-thru fast-food restaurant South: Commercial buildings East: Across MLK Jr. Ave, public park West: Across alley, single-family residences
Surrounding Neighborhood Character:	Generally neighborhood serving commercial uses along MLK Jr. Avenue, with a variety of residential development to the east and west.

III. APPLICATION IN BRIEF:

The applicant proposes to expand the existing two-story brick structure into a three-story office building. The front of the building would be extended to the street line of MLK Jr. Avenue, and to the north, to the adjoining lot line with the fast-food restaurant. A third floor would be constructed atop the existing building. Six on-site parking spaces would be located to the rear, accessible from the public alley.

The structure known as 3006 MLK Jr. Avenue on the north side of the subject property has been demolished.





Zoning and Vicinity Map

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

	Permitted/Required	Proposed	Relief
Building Height (max.)	50 feet	31.5 feet	None required
Side Yard (min.)	None. If provided, 6 feet 2.5 feet existing (south)	0 feet (north) 2.5 feet (south)	None required (north) 3.5 feet (south)
Rear Yard (min.)	15 feet	15 feet	None required
Lot Occupancy (max.)	100 percent	59.4 percent	None required
Floor Area Ratio (max.)	1.5 nonresidential	1.73 nonresidential	0.23
Parking (min.)	14 spaces	6 spaces	8 spaces
Loading (min.)	None	None	None required

V. OFFICE OF PLANNING ANALYSIS

Variance to § 771.2 –Floor Area Ratio

Section 771.2 sets the maximum FAR for nonresidential uses as 1.5. The subject application proposes a FAR of 1.73.

Uniqueness

The subject property is unique as a result of an existing vacant building constructed in 1934 and the small lot size of 6,106 square feet. As a part of the proposed modernization of the existing building, the applicant would construct a building addition to accommodate space for handicap accessibility, including ADA compliant restrooms, building lobby and entrance, an elevator and elevator machine room, and a new stairwell in conformance with current building codes. As a result, approximately two-thirds of the floor space of building addition would not be devoted to office space, but rather to the support functions of the building. The small size of the property, which directly impacts the gross floor area permitted on the site, results in a unique situation in which the addition of modern support facilities to an existing structure consumes a significant portion of the building, impacting the applicant's ability to modernize the structure.

Practical Difficulty

Without the ability to construct the building addition as proposed onto the existing structure, the applicant is limited in her ability to modernize and bring the building up to modern standards. Due to the internal configuration and size of the existing structure and lot, the applicant would have to devote a significant amount of the existing building to these functions, and not to leasable office space, the primary intended use of the building. If all of the proposed support services were to be located within the existing building, they would consume approximately one third of the floor area. It would be a practical difficulty to the applicant to devote a significant amount of floor space of the proposed office building to accessory building uses.

Intent of the Zone Plan

The granting of a variance to FAR should not have an adverse effect on the Zone Plan. The requested increase in FAR, 0.23, would be minimal, and would allow the applicant to construct a modern handicapped accessible office facility on this existing commercially zoned property.

Variance to § 775.5 – Side Yards

Section 775.5 does not require a side yard, but requires a minimum of six feet if one is provided. The existing building has a nonconforming 2.5-foot side yard on the south side of the building and the subject application requests to continue this nonconforming side yard.

Uniqueness

The subject property is unique as a result of the location of the existing building on the site, which was constructed in 1934, prior to the adoption of the Zoning Regulations. The existing south side yard is 2.5 feet deep, and is nonconforming. The applicant proposes to construct a 7.5-foot deep addition onto the front of the building that would result in a new and modern façade for the structure, align the south side of this addition with the existing south wall of the building, and align the front wall of the building with the existing commercial structures located to the south.

Practical Difficulty

The existing 2.5-foot deep side yard limits the ability of the applicant to modernize the structure. Provision of a six-foot side yard for only the first 7.5 feet of building depth would result in an awkward building design, and a cut-out at the corner of the building that would serve no purpose. Even if the applicant provided the required 6-foot side yard at the front of the building, an area variance to the open court provisions would be required because this "cut-out" would be too big to be considered a court niche (max. three feet by three feet), and too small to be an open court (min. 12-foot width).

The 6-foot side yard cannot be provided for the entire length of the structure without the removal of the south wall of the building, and it is not practical to construct a 2.5-foot (or 30-inch) deep building addition onto the south side of the structure to eliminate the side yard. Therefore, it would be a peculiar and practical difficulty to the applicant to have to provide this side yard as required for the first 7.5 feet of building depth.

Intent of the Zone Plan

The granting of the requested variance should not have an adverse effect on the Zone Plan. It would allow the applicant to align the front wall of the building with the commercial structures to the south, and create a consistent street wall for this portion of the Martin Luther King, Jr. Avenue commercial district. This variance would continue the existing side yard depth for the first 7.5 feet of building depth only. The south side of the building abuts a public alley, eliminating the possibility of the construction of a building on an adjoining lot and a narrow space only 2.5 feet wide between buildings.

Variance to § 2101.1 – Schedule of Requirements for Parking Spaces

Section 2101.1 requires 21 off-street parking spaces for the proposed building. The application proposes to provide six off-street parking spaces.

Uniqueness

The subject property is unique as a result of its shape. The public alley at the rear of the lot is not parallel to Martin Luther King, Jr. Avenue, located at the front of the site. Rather, it runs at an angle away from the street from the south to the north. As a result the rear yard is triangularly shaped, and not conducive to efficiently accommodating rectangular shaped parking spaces, particularly given the size and location of the existing building.

Practical Difficulty

The shape of the rear yard impairs the ability of the applicant to utilize the entire rear yard as parking, as permitted by the Zoning Regulations. Parking spaces cannot be accommodated in approximately 41 percent of the rear yard, or almost half of the yard. Although a smaller building addition could be constructed, reducing the number of parking spaces required and increasing the area available for parking, the applicant would be limited in her ability to modernize the structure and bring it up to current code requirements within a reduced footprint. This includes the provision of an elevator with an accessory machine room, restrooms and building entrance compliant with ADA standards, and a new stairwell in conformance with the building code.

Intent of the Zone Plan

The site is well served by public transportation, including seven Metrobus routes (A8, A48, M8, M9, W2, W3 and W4) and is located approximately one-half mile from the Congress Heights Metrorail station on the Green Line. The applicant would provide six on-site parking spaces for those that drive to the site, including a handicapped accessible parking space in conformance with ADA. Therefore, the reduction in parking should not have an adverse effect on the Zone Plan.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 8C did not respond to a request for comments from the Office of Planning.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of variances. Therefore, the Office of Planning recommends **APPROVAL** of the application.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP